

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/684,075	FORS, JOHN
	Examiner Freda A. Nelson	Art Unit 3639

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment filed April 4, 2006.
2.  The allowed claim(s) is/are 3,6-10,13-18,21,22,25-29,32,33 and 35-40.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

***Response to Amendment***

The amendment received on April 4, 2006 is acknowledged and entered. Claims 7, 9-10, 13, 15, 17-18, 21, 26, 28-29, and 32 have been amended. Claims 1-2, 4-5, 11-12, 19-20, 23-24, 30-31, and 34 have been canceled. No claims have been added. Claims 3, 6-10, 13-18, 21-22, 25-29, 32-33, and 35-40 are currently pending.

***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings have been objected to by the draftsperson under 37 CFR 1.84 or 1.152 (see attached PTO-948). Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim rejection under 35 USC § 101 as per the applicant's invention not being within the technological arts have been withdrawn in view of Precedential Decision by the Board of Patent Appeals and Interferences in case Ex parte Carl A. Lundgren (Appeal No. 2003-2088).

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daren C. Davis (Reg. No. 38,425).

IN THE CLAIMS

Claim 6 (Currently Amended) The system of Claim 15, wherein:  
~~a candidate product~~ one of the candidate products comprises at least two project definitions; and  
the planning engine selects one of the at least two project definitions for inclusion in the development schedule.

Claim 15 (Currently Amended) A computer-implemented system for selecting a portfolio of products to be developed, the system comprising:  
means for selecting a set of candidate products;  
means for selecting a set of financial projections associated with each candidate product, the set of financial projections for a candidate product providing a plurality of profit projections for each of a set for the candidate product;

means for selecting a set of project definitions, at least one project definition associated with each candidate product each of such project definitions comprising a development schedule and resource requirements, wherein the at least one project definition comprises one or more phases for development of the associated candidate product; and means for selecting a set of available resources; wherein the system comprises a planning engine operable to: read in the set of candidate products, the sets of financial projections for the candidate products, the sets of project definitions for the candidate products, and the set of available resources; select a set of candidate products that meets all resource availability constraints and maximizes profits; and generate a development schedule for the selected set of candidate products, the financial projections for the candidate products being used by the planning engine as a weighted factor in generating the development schedule such that products more affected by time are schedule for faster production than products less affected by time; and assign a probability of completion assigned to each of the one or more phases, the probability of completion for use by the planning engine in allocating resources when selecting the set of candidate products that meets all resource constraints and maximizes profits;

wherein at least one of the project definitions comprise a plurality of ordered tasks, with each task containing a time requirement requirements, a resource requirement, and an ordering constraint with respect to the other tasks in the project definition; and

wherein each phase comprises one or more of the plurality of ordered tasks.

Claim 16 (Currently Amended) The ~~method~~ system of Claim 15, wherein the planning engine is operable to:

determine, based at least on the sets of financial projections for the candidate products, which products would generate the greatest profits; and  
prioritize the candidate products that would generate the greatest profits in generating the development schedule.

Claim 37 (Currently Amended) The system of Claim 15, wherein:  
the set of candidate products ~~define~~ defines a sequence for the product mix;  
the generated development schedule for the first product mix comprises a first development schedule; and

the planning engine is further operable to:  
generate as an output a first projected profit number for the first product mix in addition to generating the first development schedule;  
change, after generating the first development schedule for the first product mix and generating the first projected profit number for the first product mix, the set of

candidate products in the first product mix to define a second product mix; generate a second development schedule for the second product mix; and generate as an output a second projected profit number for the second product mix in addition to generating the second development schedule, enabling a user to compare the first development schedule and the second development schedule and to compare the first projected profit number and the second projected profit number to determine whether the first product mix or the second product mix is suitable.

Claim 38 (Currently Amended) The system of Claim 37, wherein, in changing the set of candidate products in the first product mix to define [[a]] the second product mix, the planning engine is operable to comprises one or more of:

remove removing one or more of the products in the set of candidate products of the first product mix;

add adding one or more new products to the first product mix; and

alter altering the project definition of one or more of the products in the set of candidate products of the first product mix.

***Allowable Subject Matter***

Claims 3, 6-10, 13-18, 21-22, 25-29, 32-33, and 35-40 are allowed.

**The following is an examiner's statement of reasons for allowance:**

1. As per independent claim 7, specifically, Sellers (US Patent Number 5,311,438), while disclosing an integrated manufacturing system, in view of Morii (US Patent Number 5,237,495) while disclosing a production/purchase management processing system and method, do not disclose or fairly teach:

using the computer system, providing at least one project definition for each candidate product, such project definitions each including a development schedule and resource requirements, wherein the at least one project definition comprises one or more phases for development of the associated candidate product and each project definition comprises a plurality of ordered tasks for developing the product associated with the project definition, each task comprising a time requirement, a resource requirement and an ordering constraint with respect to the other tasks in the project definition;

using the computer system, assigning a probability of completion to each of the one or more phases, the probability of completion for use in allocating resources when generating the development schedule in accordance with the project definitions and the resource constraints;

wherein each phase comprises one or more of the plurality of ordered tasks.

2. As per independent claim 15, specifically, Sellers (US Patent Number 5,311,438), while disclosing an integrated manufacturing system, in view of Morii (US Patent Number 5,237,495) while disclosing a production/purchase management processing system and method, do not disclose or fairly teach:

wherein the at least one project definition comprises one or more phases for development of the associated candidate product; and

a planning engine operable to:

assign a probability of completion assigned to each of the one or more phases, the probability of completion for use by planning engine in allocating resources when selecting the set of candidate products that meets all resource constraints and maximizes profits;

wherein the project definitions comprise a plurality of ordered tasks, with each task containing a time requirement, a resource requirement, and an ordering constraint with respect to the other tasks in the project definition;

wherein each phase comprises one or more of the plurality of ordered tasks.

3. As per independent claim 26, specifically, Sellers (US Patent Number 5,311,438), while disclosing an integrated manufacturing system, in view of Morii (US Patent Number 5,237,495) while disclosing a production/purchase management processing system and method, do not disclose or fairly teach:

software operable to:

provide at least one project definition for each candidate product, such project definitions each including a development schedule and resource requirements, wherein each project definition comprises a plurality of ordered tasks for developing the product associated with the project definition, each task comprising a time requirement, a resource requirement, and an ordering constraint with respect to the other tasks in the

project definition and at least one project definition comprises one or more phases for development of the associated candidate product, each phase comprising one or more of the plurality of ordered tasks;

assign a probability of completion to each of the one or more phases, the probability of completion for use in allotting resources when generating the development schedule in accordance with the project definitions and the resource constraints.

4. The NPL prior art of record, specifically, "The fuzzy front end", "Best practices for managing R&D portfolios", and "Integrating the fuzzy front end of new product development", fail to disclose or fairly teach:

wherein the at least one project definition comprises one or more phases for development of the associated candidate product; and

a planning engine operable to:

assign a probability of completion assigned to each of the one or more phases, the probability of completion for use by planning engine in allocating resources when selecting the set of candidate products that meets all resource constraints and maximizes profits;

wherein the project definitions comprise a plurality of ordered tasks, with each task containing a time requirement, a resource requirement, and an ordering constraint with respect to the other tasks in the project definition;

wherein each phase comprises one or more of the plurality of ordered tasks.

5. The foreign prior art of record, specifically, JP 08106494, while disclosing a development support system, fails to disclose or fairly teach:

assign a probability of completion assigned to each of the one or more phases, the probability of completion for use by planning engine in allocating resources when selecting the set of candidate products that meets all resource constraints and maximizes profits;

wherein the project definitions comprise a plurality of ordered tasks, with each task containing a time requirement, a resource requirement, and an ordering constraint with respect to the other tasks in the project definition;

wherein each phase comprises one or more of the plurality of ordered tasks

### ***Conclusion***

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday, 9:30 am -6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 06/22/2006

*Freda Nelson*

*John W. Hayes*  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER